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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 4TH DAY OF JUNE 1998.

BEFORE

THE HON'BLE MR.JUSTICE CHANDRASHEKHARAIHAH

WRIT PETITION NOS 28982-28984 OF 1995; 29352-55/95;
29474-480/95.
W.P.NO.28982 OF 1995.

BETWEEN:

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1. Sri M.D.Fakruddin,
S/o Sheik Mehamood,
aged about 75 years,
residing at No.17
2nd Cross, Dr.T.C.M.
Royan Road,
Bangalore-560 053.

W.P.NO.28983 OF 1995.

2. Sri Nooruddin
S/o Mohamed Fakruddin
aged about 38 years,
residing at No.17,
3rd Cross, Dr.T.C.M.
Royan Road,
Bangalore-560 053.

W.P.NO.28984 OF 1995.

3. Smt.Fathima @ Noorjan
W/o Late Mohammed Iqbal
aged about 35 years, r/e
No.6, Dr.T.C.M.Royan Road,
Bangalore.

. . . Petitioners

(By Sri N.S.Krishnan, Adv. for Petitioners)

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10/11

AND

The Corporation of City
of Bangalore, represented
by its Commissioner,
N.R.Squares,
Bangalore-560 002. . Respondent

(By Sri Ashok Haranahalli & B.V.
Muralidhar for the Respondent)

* * *

Writ petitions filed under Article 226 of
the Constitution of India with an affidavit
praying to direct the respondent not to interfere
with the tenancy rights of the petitioners and not
to demolish the bifurcatory walls of their shops
bearing Nos. 2, 16-A and 15, situated in the base-
ment floor 'B' Block, Jamia Mosque, N.R.Road,
Bangalore-2 etc.,

WRIT PETITION NO. 29352 TO 29355 OF 1995.

BETWEEN:

M/s.Al-Siddque Foundation,
No.1, Jamia Complex,
1/1 N.R.Road, Bangalore-2,
represented by its Trustee
Dr.(Mrs.Rokhiya M.Jafari)

W/o Siddique Mohammed Jafari,
major, R/o Bangalore.

. . Petitioner

(By Sri S.Z.A. Kureshi, Adv. for Petitioner)

AND

The Commissioner,
Corporation of the City
of Bangalore, N.R.Square,
Bangalore.

. . Respondents

(By Sri Ashok Haranahalli & B.V.Muralidhar,
Advocates for Respondents)

* * *

Writ petitions filed under Article 226 of the
Constitution of India with an affidavit praying to
direct the respondent not to demolish or damage in
any manner the shops No.1, 2, 3 and 4 situated at
Ground floor and its basement floor area of No.1
Jamia Complex, No.1/1, N.R.Road, Bangalore-2.

WRIT PETITION NO. 29474-29480 OF 1995

BETWEEN:

1. D.P.Ashwathanarayana Rao,
aged about 42 years,
S/o Late D.R.Puttannaiah,
Shilpa Ice Cream Parlour
No.134, 11th Cross,
Malleswaram,
Bangalore-560 003.

2. S.R.Narayana,
aged about 32 years,
S/o S.Ramanaiah,
Konark Motors,
No.134, 11th Cross,
Malleswaram,
Bangalore-560 003.

3. B.N.Mohan,
aged about 35 years,
S/o Late K.Narasimhaiah,
No.134, 11th Cross,
Malleswaram,
Bangalore-560 003.

. . Petitioners

(By Sri N.Dinesh Rao for the Petitioners)

AND

1. Bangalore Mahanagara Palike,
a body constituted under the
provisions of Karnataka Municipal
Corporation Act having its office
at Hudson Circle, J.C.Road,
Bangalore-560 002.

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2. The Assistant Executive
Engineer,
Malleswaram Sub-Division,
Bangalore Mahanagara Palike,
Bashyam Park,
Malleswaram,
Bangalore-560 003.

. . Respondents

(By Sri Ashok Haranahally & B.V.Muralidhar
Advocates for the Respondents)

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Writ petitions are filed under Articles 226
and 227 of the Constitution of India with an
affidavit praying to prohibit the respondents
from interfering with the peaceful possession
and quiet enjoyment of the business of the
petitioners described in the schedule, and from
demolishing the same and etc.,

These Writ Petitions are coming on for
final disposal
~~orders~~ this day, the Court made the following

:O R D E R:

CSJ:4-6-1998.

WPs: 28982-984/95; 29352-55/95;
29474-480/95.

The petitioners have filed these petitions apprehending demolition of their buildings. Under the Scheme of the Act, the Corporation has no right to demolish the buildings without passing an order as required under the provisions of the Act. If that is the case, there is no reason for the petitioners to apprehend any threat of demolition.

With the above observations,
these writ petitions are disposed of.

Sd/- JUDGE.

Mc/-

r. by *Vla*

c. by *26/8/98*

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Assistant Registrar
H. C. No. 1242
1/1/1998-2000/1.

9/10/98